

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEBRAH HAGET,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,

Defendant.

**8:21CV440**

**ORDER**

This matter is before the Court on defendant Boston Scientific Corporation's ("Boston Scientific") Motion to Strike (Filing No. 26) plaintiff Debrah Haget's ("Haget") prayer for punitive damages in her Second Amended Complaint (Filing No. 23). On April 1, 2022, the magistrate judge<sup>1</sup> issued a Findings and Recommendation (Filing No. 28), *see* 28 U.S.C. § 636(b)(1)(B), recommending the motion—construed as a motion under Federal Rule of Civil Procedure 12(b)(6) to dismiss Haget's claim for punitive damages—be granted because Haget cannot recover punitive damages in this case under Nebraska law.

Neither party has objected to the magistrate judge's findings and recommendation within the time permitted. *See* 28 U.S.C. § 636(b)(1) (allowing fourteen days to object and requiring de novo review of any specific objections); *accord* Fed. R. Civ. P. 72(b)(2)-(3). Absent objection, further review is unnecessary. *See Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) ("[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court."). Accordingly,

IT IS ORDERED:

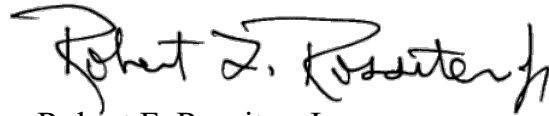
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<sup>1</sup>The Honorable Cheryl Zwart, United States Magistrate Judge for the District of Nebraska.

1. The magistrate judge's Findings and Recommendation (Filing No. 28) is accepted. Any objections are deemed waived.
2. Defendant Boston Scientific Corporation's motion—construed as a partial motion to dismiss (Filing No. 26)—is granted.
3. Plaintiff Debrah Haget's claim for punitive damages is dismissed.

Dated this 19th day of April 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge